

REMARKS

Claims 1, 8, 26, and 27 have been amended. Claims 1 - 27 are pending in the present application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

The examiner rejected claims 1 - 10, 13 - 25, 26, and 27 under 35 U.S.C. § 103(a) over U.S. Patent No. 5,636,641 (Fariabi) in view of U.S. Patent No. 5,720,300 (Fagan). This rejection is respectfully traversed.

Applicant has studied the examiner's diagram on page 4 of the Office action and the dictionary definition of the term "radial" on page 8 of the Office action. Applicant respectfully disagrees that the arrangement of Fig. 1 on page 1 of the pending Office action represents that the superelastic and precipitation hardened materials are arranged "radially" underneath the flexible bodies; a person skilled in the guide wire art would understand the difference between the "radial" direction versus the "axial" direction as shown in Fig. 1 on page 4 of the Office action. Nevertheless, applicant has amended the claims to better define the present invention unrelated to the patentability of the subject matter.

Specifically, applicant has amended the independent claims to provide that the precipitation hardened material and superelastic material extend from the proximal section to underneath the flexible body in a "diametrical direction" and additionally, in some claims, "diametrically and coaxially underneath the flexible body."

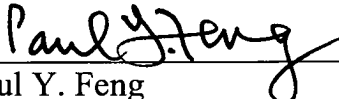
As amended, the claims recite that the precipitation hardened material and superelastic material extend underneath the flexible body and the materials are underneath the flexible body in a diametrical direction meaning related to the diameter. The term "diameter" has been used in the specification such as in line 11, page 16, in reference to the outer diameter core; hence the definition of diameter or diametrical is defined in the specification.

As amended, applicant believes that the claims are distinguishable over the cited art. Applicant, however, is open to any suggestions that the examiner has as to clarifying the claims. To that end, applicant in the past two weeks has attempted on multiple occasions to contact the examiner at her telephone number (571) 272-4967, shown in the Patent Office website information screen. Applicant left messages on January 25 and 26 of 2005 and called again on January 27, 2005 without successfully reaching the examiner. Applicant appreciates and confirms receipt of the examiner's voice mail message on January 31, 2005, that she has been on maternity leave and is not available for a phone call on this subject matter.

In view of the foregoing, applicant respectfully submits that all claims are now in condition for allowance. Reexamination and reconsideration of the application are respectfully requested and allowance at an early date is solicited.

Respectfully submitted,

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